

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH DAKOTA  
SOUTHERN DIVISION

DAMEN LONG SOLDIER,

Petitioner,

vs.

SOUTH DAKOTA STATE PENITENTIARY  
WARDEN, THE ATTORNEY GENERAL FOR  
THE STATE OF SOUTH DAKOTA,

Respondent.

4:24-CV-04183-RAL

OPINION AND ORDER ADOPTING  
REPORT AND RECOMMENDATION IN  
FULL AND DISMISSING PETITIONER'S  
PETITION WITHOUT PREJUDICE

Petitioner Damen Long Soldier, an inmate at the Federal Prison Camp in Yankton, South Dakota, filed a petition for writ of habeas corpus under 28 U.S.C. § 2254. Doc. 1. The matter was referred to a United States Magistrate Judge under 28 U.S.C. § 636(b)(1)(B) and the District of South Dakota's Civil Local Rule of Practice 72.1.A.2(b), which designates to the magistrate judge the duty to prepare proposed findings and recommendations for the disposition of habeas petitions. Magistrate Judge Veronica L. Duffy screened the petition and issued a report and recommendation that Long Soldier's § 2254 petition be dismissed without prejudice to permit Long Soldier to exhaust his claims in state court. Doc. 3 at 2-3. The time for objecting to the report and recommendation has passed. See id. No objections have been filed in this case. This Court has considered the case de novo and adopts the report and recommendation in full. Thus, it is

ORDERED that the Magistrate Judge's report and recommendation, Doc. 3, is adopted in full and Long Soldier's petition under 28 U.S.C. § 2254, Doc. 1, is dismissed without prejudice. It is further

ORDERED that the Clerk of Court will provide a copy of the petition, Doc. 1, Magistrate Judge Duffy's Report and Recommendation, Doc. 3, and this Order to the United States Attorney for the District of South Dakota.

DATED this 5th day of November, 2024.

BY THE COURT:



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ROBERTO A. LANGE  
CHIEF JUDGE